

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHIRLEY CRAIG, et. al,

08-cv-2317

Plaintiffs,

Hon. John E. Jones III

v.

RITE AID CORPORATION and
ECKERD CORPORATION d/b/a
RITE AID CORPORATION,

Defendants.

ORDER

August 18, 2011

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Before the Court is Magistrate Judge Martin Carlson's Report and Recommendation ("R&R") recommending that we grant Defendants' Motion for Summary Judgment (Doc. 299) in part to the extent that Plaintiffs do not oppose the prejudicial dismissal of some of the proposed seventy-two (72) putative Plaintiffs from the action. (Doc. 413.) Also pending is the parties' Stipulation of Dismissal with respect several more opt-in Plaintiffs (Doc. 415), and Magistrate

Judge Carlson's R&R recommending that the Court approve said stipulation¹ (Doc. 414). We find that each dismissal is warranted, and will consolidate the two into one order. Therefore, pursuant to the R&R², the following Plaintiffs shall be dismissed from the action:

Deverne Ashe
Emily Ball (Cook)
Curtis Bennett
Robert Biafora
Diane Bishop
Michele Burns
Gail Burnside
Todd Carbone
Carolyn Casey
Kathleen Dach
Ronald Dach
Leatrice Davis
Brandi Donovan
David Duncan
Patrina Eaton
Arthur Finley
Ron Fosnaught
Adam Gaffen
Darrin Grant
Norene Grout
David Homan
Jacob Iglesias

¹The latter R&R actually recommends that we adopt the Stipulation listed at Docket Number 411. The subsequent Stipulation merely corrected a clerical error, and therefore we shall treat that as the controlling Stipulation.

²We recognize that the time to object to the R&R has not expired. Nonetheless, in light of Plaintiffs' intention not to oppose the dismissal with respect to these opt-ins (*see* Doc. 409), it is apparent that there will be no objections to the R&R recommending their dismissal.

Rita Jankowski
LaVera Johnson
Terry Jones
Kenneth Keller
Randall LaRock
Jeffrey Lauzon
Ethel Mae Lewis
Mark Mahnke
Leonard Matsvayi
Stephen Mattner
Cynthia McCall
Jason Mills
Steven Moyer
Donna Nuro
Elsie Pagen-Rounds
Whitney Peters
Richard Pommells
William Reynolds
Robert Romero
Christopher Seitz
Ryan Sharlow
Susan Simmons
Sherry Lynn Smith
William Thompson
Jasper Trentham
Arthur Watkins
Frederick Weinstein
Dustina Wiktorko
Kenneth Williams
Karl Willis
Brian Winchell
Mary Wood
John Wyar
Scott Zaremba

Likewise, pursuant to the Stipulation of Dismissal (Doc. 415), the following

Plaintiffs are dismissed with prejudice:

Sandra Adamciewicz
Jeremy L. Allred
Sammy Ballard
Thomas J. Barton III
Clarence R. Bergamy
Tammy L. Biederman
Michele K. Burns
Verna Clippinger
Crystal M. Dattilo
Sheryl M. Doyan
David K. Duncan
DeAudrey Ellington
Heather Glenn
Lacie T. Gleva
Yolanda Goldsmith
Thomas P. Grammar
Eddie Ibea
Roberty Landino
Mary R. Leslie
Willow Leto
Brian Manda
Cathie Marsden
Rodrick Mays
Cynthia A. McCall
Brooke R. Neumann
Edith Oquendo
Cecelia Pretlow
Vickie L. Quayle
Franshawn Rowe
Ryan Sensenig
Roxanna L. Sherrill
Jean M. Ward

With respect to the remaining contested aspects of Defendants' Motion for

Summary Judgment (Doc. 299), the parties shall adhere to Magistrate Judge Carlson's August 18, 2011 Order (Doc. 412) and all forthcoming Orders.

NOW, THEREFORE, IT IS HEREBY ORDERED

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 413) recommending that the Court grant in part Defendants' Motion for Partial Summary Judgment is **ADOPTED** in its entirety;
2. Defendants' Motion for Partial Summary Judgment is **GRANTED** only to the extent indicated above with respect to the opt-in Plaintiffs listed;
3. The Report and Recommendation of Magistrate Judge Carlson (Doc. 414) recommending that the Court approve the Stipulation of Dismissal is **ADOPTED** in its entirety;
4. The Stipulation of Dismissal (Doc. 415) is **APPROVED**;
5. The above-named opt-in Plaintiffs are **DISMISSED** from the action with prejudice.

/s/ John E. Jones III
John E. Jones III
United States District Judge